THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 6520 of 2006

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Dated: 31-03-2006

Between:

Vada Hemalatha and others.

..Petitioners.

and

The State of A.P. represented by its Principal Secretary, Municipal & Urban Development Department, Secretariat, Hyderabad and others.

..Respondents.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 6520 of 2006

ORDER:

This petition is filed seeking a writ of mandamus to declare the action of the respondents in marking a portion of the building properties bearing Municipal Assessment Nos.45784, 45777, 38526, 45776, 45774 and 45775 belonging to the petitioners situated on eastern side of Sri Krishnadevaraya Road No.6 in

Ashok Nagar, leading from District Court Centre to Ashok Pillar in Eluru Municipal Corporation limits, to demolish the same for road widening, as illegal and arbitrary.

The case of the petitioners is that they are the absolute owners and possessors of their respective sites and building properties, situated adjoining Sri Krishnadevaraya Road in Ashok Nagar, leading from District Court Centre to Ashok Pillar in Eluru Municipal Corporation limits and that the said buildings were constructed as per the sanctioned plan and the petitioners never encroached into any portion of the public road.

The grievance of the petitioners is that the respondents have not issued any notice before deciding to demolish the said marking portions and that they are trying to demolish the same for the purpose of road widening without acquiring the property as contemplated under Chapter V of Hyderabad Municipal Corporations Act and under Land Acquisition Act, without following the due process of law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act, which is utter violation of the principles of natural justice under the provisions of Hyderabad Municipal Corporation Act, 1955 .

No doubt widening/laying of the road is in the public interest. While laying the road, if any property of private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by following due process of law of private negotiations.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish the marking portion of the building properties bearing Municipal Assessment Nos. 45784, 45777, 38526, 45776, 45774 and 45775 belonging to the petitioners situated on eastern side of Sri Krishnadevaraya Road No.6 in Ashok Nagar leading from District Court Centre to Ashok Pillar in Eluru Municipal Corporation, without following due process of law.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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31-03-2006

sj